

Exhibit A

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Exhibits: (None)

Volume 1, Pages 1 - 175

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

SCANSOFT, INC.,

Plaintiff

vs.

Docket No. 04-10353-PBS

VOICE SIGNAL TECHNOLOGIES,

INC., et al.,

Defendants

MEETING WITH NEUTRAL EXPERT

Friday, March 24, 2006, 9:10 a.m.

Bromberg & Sunstein LLP

125 Summer Street

Boston, Massachusetts

***TRANSCRIPT CONTAINS MATERIAL DESIGNATED "HIGHLY
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1 table. The lookup table itself is also in the
2 materials you have, and we can provide you with a
3 pointer to the lookup table itself if that's
4 something that you would find helpful.

5 MR. McKENNA: As I understand, we had a
6 simple PERL script that we used to populate the
7 table with HTK values.

8 And one thing I'd like to note is, in
9 the demonstration system that we referred to as
10 ELVIS, if you look in that version of the acoustic
11 scoring file with all the acoustic scoring
12 functions, you won't find a reference to a lookup
13 table. And upon my review of their current existing
14 source code, they don't use that lookup table. So
15 in fact, it was only used for a short period of time
16 to debug their recognizer against the known HTK
17 values.

18 Also, I would note that the lookup table
19 we're using is very simple and does not have any of
20 the optimizations.

21 MR. FRANK: That Scansoft says are trade
22 secrets.

23 MR. McKENNA: Right.

24 MR. FRANK: That is, not only does Voice

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1 Signal not use lookup tables in the process of
2 acoustic scoring, as I understand it; the one
3 occasion when they use a lookup table I'm told
4 involves the use of a lookup table in a very
5 ordinary, publicly known way.

6 We're happy to make that table available
7 to you so you can confirm that that's the case.

8 DR. NEY: Lookup tables are very common
9 and used in many contexts.

10 MR. FRANK: I understand.

11 MS. COLUMBIA: Then I don't think --

12 DR. NEY: But I mean, to be specific in
13 the end, for me what it really boils down to is, you
14 give me, or have given me, basically the relevant
15 code for acoustic scoring.

16 MR. McKENNA: Correct.

17 DR. NEY: In the sense of the first
18 year, whatever it was called.

19 But at the same time, Scansoft says
20 there is some other routine that I should look at.
21 That is given here, and that is something I have to
22 discuss with Scansoft.

23 MR. FRANK: And I think that the
24 question you should then ask yourself is, one, does

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1 it appear that lookup tables are used by Voice
2 Signal in the process of acoustic scoring? Have you
3 considered what we have shown you and what they have
4 shown you?

5 Frankly, I think if you conclude that
6 Voice Signal does not, that may be the end of it,
7 having considered what we show you and what they
8 show you.

9 You may also wish to consider whether --
10 to confirm what we're telling you, which is that in
11 fact, what you're being shown by Scansoft is some
12 code that is just debugging the calculations on the
13 Voice Signal side for the purpose of causing them to
14 get to the same result as the HTK calculations.

15 You may, if you want -- and we're happy
16 to make available to you the lookup table itself,
17 and you can decide whether it's a commonly known,
18 commonly used lookup table or something unusual.

19 MS. COLUMBIA: Then the third piece of
20 this first trade secret, which I'm not sure it makes
21 sense to walk through live, but you have in your
22 book, is a mapping of this acoustic scoring trade
23 secret -- it starts at Page 5 -- to a Dragon patent
24 which is attached with your materials that discloses

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1 the trade secret.

2 That patent published in 1988, and has
3 now expired; but as I said in my beginning
4 presentation, anything that's been disclosed in a
5 patent is publicly available, and cannot as a matter
6 of law be a trade secret.

7 So I don't know whether you need to get
8 to that part of your analysis or not; but in the
9 event you feel you need to, we've sort of set out
10 for you a mapping of the trade secret to that
11 patent.

12 DR. NEY: Maybe a question of
13 clarification for me.

14 MS. COLUMBIA: Yes?

15 DR. NEY: First of all, you said this
16 patent expired?

17 MS. COLUMBIA: Yes.

18 MR. FRANK: No. Actually, I know that.

19 The patent, in the trade secret
20 context -- we're not now on the patent infringement
21 side of the case -- in the trade secret context of
22 the case, a question is whether whatever is claimed
23 to be secret is actually secret, or whether it is
24 publicly known.

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1 If something is disclosed in a patent,
2 it is publicly known. It is conceivable that the
3 thing that is disclosed in the patent could be
4 covered by the patent, and conceivable that the use
5 of that technique would be a patent infringement.

6 But that's not claimed here. And in any
7 event, this patent has expired, so it couldn't be
8 claimed. Once a patent has expired, one is free to
9 use whatever is disclosed in it.

10 DR. NEY: Okay.

11 MR. McKENNA: So I think that prompts us
12 to the second topic of how Voice Signal's function
13 really works with regards to hypothesis management.

14 Generally, there are two well-known ways
15 to update states involving histories. One way is to
16 add or merge probabilities, likelihood scores having
17 the same histories. Another way is to just pick the
18 better-scored likelihood and move on without merging
19 any of the hypotheses.

20 So in Voice Signal's source code, we
21 choose not to merge hypotheses in the management of
22 it, but to choose the better score.

23 In order to give you evidence of that, I
24 point you to Appendix H, where we update our

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1 hypotheses in our speech-recognition model.

2 DR. NEY: I do not have to discuss
3 technical details, but I'm not able to follow your
4 distinction between these two methods. You pointed
5 out two general approaches, because in general, in
6 virtually all systems that I know of, they do
7 merging of hypotheses, which is also called
8 recombination of hypotheses. They do this merging
9 by picking the hypothesis with the maximum score or
10 minimum distance, depending on the type.

11 But I think we do not have to discuss
12 this technical --

13 MR. McKENNA: Sure.

14 DR. NEY: Okay; all right. I will see,
15 when I look at the code, whether this is clear.

16 MR. McKENNA: But at the time, you need
17 to handle multiple active hypotheses while you
18 update a state.

19 DR. NEY: I mean, you have to go from
20 one time frame to the next.

21 MR. McKENNA: That's correct.

22 DR. NEY: And the typical procedure is,
23 the different transitions you can select to arrive
24 at the next, what, crit point or state, given time

1 T, and then you have to select one of these
2 transitions. Typically what is used in, I guess,
3 99.99 percent of all systems is, you select the
4 transition with maximum overall score.

5 MR. McKENNA: Right. So we pick out of
6 two hypotheses the maximum score and move on.

7 DR. NEY: So that's what all systems, as
8 far as I know, do.

9 MR. McKENNA: And that's what we do.

10 So we don't manage the active hypotheses
11 to determine if any two are the same, to merge and
12 add the probabilities. We simply don't do that in
13 our source code. But we do what you referred to as
14 what's widely known as just picking the highest-
15 scoring hypothesis and moving on to the next frame.

16 MS. COLUMBIA: Would it be helpful for
17 this one, Chris, if we left so that you could lay
18 side by side what Scansoft has alleged is a trade
19 secret and actively distinguish that from what we
20 do?

21 MR. FRANK: I think that might be
22 helpful.

23 MS. COLUMBIA: I'm concerned that we're
24 not addressing exactly what's in the trade secret.

1 One point I would point you to the
2 source code would be back to Appendix H, where we
3 were updating hypotheses. As I understand, that
4 would be one area where, if you were considering
5 duration modeling, you would do it at that point of
6 processing.

7 If you think there's other areas I need
8 to point and clarify to you, please do get back to
9 us, and we can bring them to your attention.

10 I also want to note, Appendix M -- and
11 this will be in the source code of the CDs we're
12 going to provide to you today -- I just quickly
13 point you to a source code listing, a function
14 called segment.c on Page 2 of Appendix M.

15 So in the middle of that page, you'll
16 see some bold comments on Page 2, and just a comment
17 from Voice Signal confirming that they don't have a
18 duration model.

19 So since we don't do duration modeling,
20 there's no need for us to do any type of form of
21 optimizations to the duration model, and then we
22 don't use duration models in combination with any
23 kind of acoustic scoring.

24 So basically Appendix D and Appendix H

1 show you where we do acoustic scoring and where we
2 do hypothesis management; and in either of those
3 sections, you won't see any incorporation of
4 durational scoring, because we simply don't do it.

5 DR. NEY: The terminology may be a
6 little bit misleading. Actually, any system does
7 some sort of duration modeling. Even if you do not
8 do it explicitly, there's some implicit duration
9 modeling in all the systems. It's a question of
10 whether the method that you are using as a code is
11 similar to what is claimed to be a trade secret or
12 not.

13 MS. COLUMBIA: If there's something that
14 you would need to see to determine that that you
15 don't have, we would be anxious to give it to you.

16 MR. McKENNA: And then to Section 2 of
17 this category, on Page 14, there's a file called
18 calculate score -- excuse me; a function called
19

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Redacted

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But in this code, we have not used any
duration modeling in this function.

1 And then if we move to the next area
2 of -- we believe this trade secret is publicly
3 known. On Page 16, we point you to the same Dragon
4 patent, the '803 patent. As you'll see in the
5 following pages, 17 and 18, there are sections of
6 that patent that we draw your attention to, and we
7 do believe after reading that section of the patent
8 that you'll conclude what Scansoft claims is a trade
9 secret is publicly known, as it's clearly disclosed
10 in this patent.

11 (Pause)

12 DR. NEY: Okay. Sorry.

13 MR. McKENNA: Just to repeat myself, we
14 point your attention to the Dragon '803 patent, and
15 on Pages 17 and 18, as you see, I cite specific
16 sections of that patent. I think, after you read
17 the patent and those cited sections, you'll see that
18 the Scansoft alleged trade secret is actually not a
19 trade secret as it's described in this patent.

20 MS. COLUMBIA: I think we're about done.
21 Just organizationally, so that when you go away, you
22 have the narrative piece, which goes through each of
23 the trade secrets, and for each, points you to see
24 that we don't do that in our code, then addresses

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1 original instance, went through the file structure,
2 there were many folders that had absolutely no files
3 in them because they weren't authored or edited by
4 the individuals.

5 So it was kind of like trying to -- you
6 try to track where data is going, and it would go
7 places and you never knew what would come back from
8 it because it would go off into an empty folder.

9 Just, I believe it was last Friday
10 night, about 8:00 -- 7:30, it was finally done. I
11 received what purports to be the full versions of
12 the code. However, on -- Tuesday?

13 MR. BELT: Tuesday, yes.

14 MR. LAWRENCE: There was an "Oops; we
15 didn't give you everything," and they gave us some
16 more stuff. So it's been kind of this running
17 production; we keep getting more and more.

18 Based on what they've told us, I think
19 they're done giving us stuff now, that we've got
20 everything. But I have not assimilated how
21 everything fits together, because, as I'm sure you
22 know, it's a fantastically big number of files that
23 are involved, all the H files, C files.

24 DR. NEY: The problem is -- well, for

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1 the procedure now, that I'm not allowed -- to make
2 this clear, I'm not allowed to discuss basically
3 three categories for these trade secrets; we cannot
4 discuss them among -- or in a session, only with --

5 MR. LAWRENCE: The brief you're looking
6 at, does it say "Scansoft" on the front?

7 DR. NEY: It does.

8 MR. LAWRENCE: You can talk about all of
9 this you want with all of us here.

10 MR. BROMBERG: But if you want to talk
11 about, well, how about this one compared to the
12 code --

13 MR. BELT: Then we'll step out.

14 MR. LAWRENCE: Because in that brief, we
15 show you Dragon source code from our product, Mrec
16 product, our code. That's fair game to talk about
17 with all of us here.

18 The places that I've identified or that
19 we have citations to certain portions --

20 MR. BELT: In the VST code.

21 MR. LAWRENCE: -- in the VST code, these
22 guys step out for.

23 DR. NEY: That means that things that
24 are addressed here are, let's say, common in all

1 recognizers. The first one is, let's say, the
2 likelihood calculations; and the second one, the
3 management of hypotheses; and number three, what
4 combination of acoustic scores, or in that case --
5 it says Gaussian modes, but it should be Gaussian
6 models, yes.

7 That's fairly common, that's in general,
8 the things that show up in our recognizer.

9 So it would be important, then, that you
10 point out exactly -- or that VST is asked exactly
11 what are the places in their code where this
12 corresponding function is performed?

13 Because for me, the problem, I'm getting
14 lots of material. I mean, it's impossible to look
15 at. And in the end, I think it boils down to
16 looking at these specific parts of the code.

17 MR. LAWRENCE: Yes. I mean, that would
18 be -- and given that we've had --

19 DR. NEY: And you have done that, or
20 not? That is my question.

21 MR. LAWRENCE: Well, initially, based on
22 small portions of code that we had, we attempted to
23 identify where some was. This was without using any
24 analysis tools; all it was was going through each

1 If the three trade secrets address functions that
2 must be implemented in any recognizer, so VST could
3 give the source code that they are using for these
4 three functions, show it to me.

5 And you had a look at their full
6 system -- or you will have; I'm not sure -- and then
7 you could ask me to look at specific places where
8 you think these kinds of trade secrets are caught
9 up on.

10 MR. LAWRENCE: As an initial matter,
11 that makes sense. However, as we were discussing
12 earlier, there's a whole bunch more to the layout of
13 the whole system, because when we filed this brief,
14 we didn't have access to their whole source code.

15 DR. NEY: I understand that.

16 MR. LAWRENCE: So there may be a lot
17 more things that, now that we have everything, that
18 become identifiable.

19 DR. NEY: Yes.

20 MR. LAWRENCE: Again, without having
21 some sort of analysis tool to actually see the
22 structure -- because right now it's just files, and
23 they're uncompileable because the computer we have,
24 I can't load anything on, so I can't compile it -- I

1 can't watch how data goes through.

2 So without that, I can't see the
3 structure, and that structure, there's a lot of the
4 setting up of Mrec and all the other things came
5 from an understanding of the structure; and I can't
6 see that to evaluate whether those decisions are
7 consistent between Mrec and the VST code.

8 So what may be important is that, in
9 order to help you identify these things, that I'm
10 allowed to have access to some sort of analysis tool
11 in order to evaluate the code at a macroscopic level
12 instead of this microscopic level.

13 DR. NEY: You're not allowed to right
14 now, or what are the constraints?

15 MR. LAWRENCE: Right now, the computer
16 that I have that was provided by VST has all input
17 functions disabled, so I cannot load a program onto
18 it.

19 DR. NEY: I see.

20 MS. FLEMING: Maybe that's something we
21 could take up in the group session.

22 DR. NEY: So that means right now it's
23 only you and me that have access to -- maybe even
24 not me now. I'm not sure what is on the computer.

1 That's the same or related?

2 MR. LAWRENCE: I don't know what you've
3 gotten recently.

4 MR. BELT: Theoretically you should have
5 exactly what he has.

6 DR. NEY: But you said you got a recent
7 update.

8 MR. LAWRENCE: Yes, I got one on Tuesday
9 and the previous Friday. So I had two recent
10 updates. I don't know if they've given those to you
11 or not.

12 DR. NEY: The problem is, there's huge
13 amounts of files and code, and....

14 MR. LAWRENCE: So I think that some sort
15 of analysis tool would make both of our jobs easier,
16 and especially if you and I can work possibly on the
17 same one so we have the same kind of analysis
18 abilities.

19 MR. BELT: Are there particular tools
20 that you use in your everyday work, or that you're
21 familiar with?

22 DR. NEY: No.

23 MR. BROMBERG: I mean, do you think it
24 would be useful for you to be able to use such an

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1 analysis tool on the VST code?

2 DR. NEY: I mean, so far I'm not -- I
3 was not aware that this was going to be my job, to
4 look at the whole code. I expected to have to look
5 at specific parts that are pointed out to me by you
6 or by the other side.

7 MR. BELT: Well, yes, that's ideally
8 what we would like to be able to do.

9 DR. NEY: But to analyze the whole
10 recognizer, that's not an effort I had envisaged so
11 far.

12 MR. LAWRENCE: If I had the tools, I
13 might be able to offload some of that work from you,
14 is what I'm getting at.

15 DR. NEY: Maybe that's something we can
16 address in the plenary session.

17 I feel I understand the situation as far
18 as the general methods are concerned that are
19 brought up in these trade secrets, but what is
20 difficult to work on is the code and the
21 implementation.

22 MR. BROMBERG: Right; that makes sense.
23 And I think it is part of the dilemma of this case.

24 As I said in the plenary session, the

1 just going to be varied by which parameter you're
2 passing in; but the way you're operating with it,
3 making decisions with it, if that's the same, that
4 would be at the level that we're saying, that's what
5 you've learned from us, is how to make those --
6 that's what our trade secret is.

7 So it's not an exact copy. It would be
8 taking what you've learned from it, applying it.

9 DR. NEY: But the problem also is that,
10 let's say the company might say this is a trade
11 secret. There are many things you can do, a huge
12 variety of methods, and all methods are known. But
13 then under certain conditions, it turns out one
14 method is maybe more useful and more suitable.

15 So that is -- I don't know exactly how
16 to handle such a situation, because I'm -- let's say
17 many of the methods are known or well-known. So
18 it's not clear; it's not clear to what degree that
19 really a trade secret is.

20 Companies typically, my impression, have
21 the tendency -- or companies say, "Okay, we want to
22 keep everything proprietary, just to be on the safe
23 side." But as a matter of fact, let's say these
24 recognizers that I'm seeing here in many aspects

1 look similar to recognizers that are being
2 implemented by students. So....

3 MR. LAWRENCE: If that's the case --

4 DR. NEY: That makes it a little bit
5 difficult. There are some details now -- maybe we
6 can go through these things.

7 MR. LAWRENCE: If that's the case, that
8 there are things that we're asserting is a trade
9 secret, and you're seeing it in your students' work,
10 then it's not a trade secret. We'll admit that.
11 We're not trying to extend --

12 DR. NEY: Yes, yes.

13 MR. LAWRENCE: I mean, so if that's the
14 case, that's the case.

15 DR. NEY:

16 is, let's say, *Redacted* commonly used. Now, you
17 really have to look at the details of it, whether
18 this specific method is so special or different from
19 what is known.

20 MR. LAWRENCE: Right.

21 DR. NEY: And the second step, as we
22 said, that really would be important to see is the
23 VST code, how they do that, is really what it boils
24 down to.

1 MR. LAWRENCE: Right.

2 DR. NEY: And then the next thing is the
3 hypothesis management. Again, to form my question
4 here, actually, here I would need some
5 clarification, maybe. Hypotheses are used at least
6 at two places, in two contexts of a speech
7 recognizer, of such a speech recognizer.

8 One is what I call pure acoustic
9 modeling, or pure acoustic search, or pure acoustic
10 hypothesis. That means, in the Mrec model, you have
11 to look at how to combine, merge, recombine
12 hypotheses. That's one thing.

13 The other thing is, when you have a word
14 end, or when you have word-end hypothesis, then you
15 have to check whether you can merge these hypotheses
16 or not by including -- and at that time, you have to
17 use language modeling. So some people call this
18 language-model recombination or language --
19 language-model merging of hypotheses, let's say, or
20 merging of hypotheses for word-end hypotheses, or
21 something like this.

22 From here, you say, it's not clear what
23 you address. Maybe when I look at the code -- there
24 was more the language modeling. Is that right?

1 MR. LAWRENCE: Yes.

2 DR. NEY: So it's not about the
3 acoustic --

4 MR. LAWRENCE: It has an acoustic
5 component, because if you look, you have --

6 DR. NEY: I think I've been given the
7 code Uvidas. What page was that?

8 MR. LAWRENCE: Actually, I believe all
9 of this discussion could go on with the rest of the
10 group here, because this is our brief.

11 DR. NEY: Yes; it's about -- I see it's
12 a language model.

13 MR. LAWRENCE: Right, and it has the --
14 and the merger, you have this !

Redacted

15
16 DR. NEY: Yes. Now, this, as such, is
17 quite, quite known in the community; and where you
18 might have differences is how to do this *Redacted*
19 efficiently, because efficiency is a crucial aspect.

20 MR. LAWRENCE: Correct. And when you
21 get into the code that we've identified -- you'll
22 see it's Page 30, roughly, and 33 -- that's where --

23 DR. NEY: Maybe we can discuss this with
24 your colleagues. Okay; yes. Maybe we can discuss

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1 it with your colleagues, because it concerns only
2 the Scansoft --

3 MR. LAWRENCE: Okay. I will bring them
4 back in. We can go off the record for a second.

5 (Recess taken; Attorneys Bromberg, Belt,
6 Fleming and Quish entered the room.)

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2 (Present in the room with Dr. Ney:
3 Attorneys Bromberg, Belt, Fleming, Lawrence and
4 Quish only.)

5 MR. LAWRENCE: Just to bring everyone up
6 to speed, we were kind of going through each of the
7 trade secrets that we have identified so far as
8 being possible for being in the code; and that we
9 have identified in our code, in our brief, the
10 locations where this is located.

11 As of right now, I don't believe we have
12 given you a full set of the Dragon -- of the Mrec
13 code.

14 MS. FLEMING: Correct.

15 MR. LAWRENCE: We pulled out the
16 relevant portions --

17 DR. NEY: I do not feel I need more
18 code.

19 (Laughter)

20 MR. LAWRENCE: That's why we did that,
21 just to point you.

22 But our expert, Richard Goldhor, knows
23 exactly where all of this stuff is, and can really
24 expand upon questions that you may have about what's

1 going on, if possible.

2 Go ahead.

3 DR. NEY: So I think I understand quite
4 well the points addressed here on Page 1 and 2.

5 The thing is that all of these functions
6 have to be addressed in any recognizer, and the
7 solutions that are well-known are not different or
8 not that much different from what is described here,
9 at least conceptually.

10 In the end, we have to consider two
11 aspects: the idea, the concept as such, and the
12 implementation in the code, because it might very
13 well be the case that the concept as such is known
14 and well-known, but then still the code is, what,
15 identical or could be simply taken over. And I have
16 to look at both aspects, yes?

17 MR. BROMBERG: Yes.

18 DR. NEY: Now, for me, it's maybe
19 helpful to understand why you think and what in
20 particular you think is the trade secret here in
21 these three cases, because, as I said, at least
22 in -- all three, let's say, all three functions have
23 to be implemented in any speech recognizer.

24 So the first one refers to the fact that

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1 you somehow have to do your acoustic scoring fast;
2 you have to compute your not-likelihoods in a very
3 efficient way. There are a couple of tricks around.

4 And the second one is the -- what is it
5 called here? -- *Redacted*

6 but it's the same. And also,
7 that is a sort of memory problem, and there are
8 various ways of solving it, and one way of doing
9 this is to use *Redacted*

10 And number three is, in a speech
11 recognizer, you have the *Redacted*

12
13 *Redacted*
14

15
16 Yes; so there might be specific details
17 that I still have to find out and study, but let's
18 say the general concept of the things is well-known.
19 So for me, it's important to understand what is the
20 specific proprietary thing about them, or trade
21 secret thing about them.

22 *Redacted* models, that's a little bit --
23 let's say, basically you get this type of dependence
24 of duration in any basic recognizer. You can extend

1 it a little bit, but this is -- so it would be
2 important for me to have maybe more information
3 about that, or should I -- again, this may be a
4 procedure, a trial procedure. Should I do
5 everything I do exactly based on that one, or...?

6 So just to be clear about this, when my
7 students implement these things, the implementation
8 might be similar to what is suggested here. Maybe
9 there might be differences, but it's not so, let's
10 say, so specific, so unique.

11 MR. BROMBERG: Well, I guess --

12 DR. NEY: All the things before these
13 existed were known to me. Maybe not the details of
14 these :

15 *Redacted*

16 . These are well-known
17 things.

18 Now, the details are then, okay, should
19 I use them in this type of recognizer or a different
20 one under this condition or another condition and so
21 on?

22 MR. LAWRENCE: Right.

23 DR. NEY: That is something which is
24 maybe different from; it depends on the situation.

1 So that's the general concept.

2 The other aspect then is the
3 re-implementation in terms of the code.

4 MR. LAWRENCE: I think what you're kind
5 of driving at is always -- always -- the problem in
6 trade secret issues. And I think the best way to
7 kind of approach it is, I mean, if it's within the
8 general knowledge, in like public papers and stuff
9 of that matter, then at the highest level -- and we
10 tried to give it to you at several different levels,
11 the highest, the mid, and the nitty-gritty details.
12 If the public art that's out there says do this, the
13 general concept, well, then maybe the general
14 concept is a little too broad.

15 But then if there's specific
16 implementations and specific things that we've done
17 that are different from what's disclosed in the
18 references that are out there, and what we're
19 utilizing -

20 *Redacted*
21

22 Then at that level, it may be a
23 trade secret, because nothing's out there disclosing
24 it.

* * * * *

(All counsel are present in the room with Dr. Ney.)

MR. BROMBERG: We talked about what's next, when we were talking with Professor Ney, and I imagine you did to some extent; but Professor Ney had some ideas and --

DR. NEY: Yes; okay.

So as I said, I think, before, the trade secrets, in my view, concern two aspects: the general method and the details of the implementation. I think, for the general method, I feel right now I have enough information.

Now, for the implementation, I probably need more information. Not that I'm asking for more code -- I think I'm getting actually too much material -- but I need maybe specific, specific parts.

So first of all, these trade secrets that we are discussing, they concern, let's say, functions that you find in any speech recognizer. So my suggestion would be that I could get those specific parts of the code for the VST engine or for the VST programs that we are here discussing that

1 perform these functions.

2 And then at the same time, the technical
3 expert on Scansoft, on the Scansoft side, he has
4 access to the VST code, and he could provide me with
5 those parts of the code that he believes are in
6 conflict with these trade secrets.

7 So I would get two selected pieces of
8 code: one from the VST party, VST side, that is,
9 let's say, addressing these general functions as
10 they are needed in any large-vocabulary speech
11 recognizer; and from the Scansoft side, those parts
12 of the code that Scansoft thinks are in conflict
13 with their trade secrets.

14 Is that okay? That would be my
15 suggestion on how to proceed.

16 MS. COLUMBIA: That's fine with us.

17 MR. LAWRENCE: One clarification: I
18 believe I heard you say -- and I just want to make
19 sure -- that you wanted our expert to identify --

20 DR. NEY: Well, okay; that's one aspect.
21 Again, I do not overlook all these legal aspects and
22 implications, but, I mean, all this business really
23 gets into technical details. I'm not sure it's
24 possible and whether it's really a good idea or not,

1 we have already provided and then state what he
2 wants, and we will provide it.

3 DR. NEY: Yes. Actually, what we
4 discussed in the meeting with -- sorry; I forgot
5 your name.

6 MS. COLUMBIA: Chris.

7 DR. NEY: -- Chris, concerning the three
8 or four functions, yes, these functions that you can
9 find in any recognizer. Maybe I have to write them
10 down again, but I think it's -- okay.

11 MS. COLUMBIA: I was just going to ask,
12 in what form is it most useful to you? We could
13 point you to it in the laptop that you have --

14 DR. NEY: If you tell me where it is
15 there, or if you send me corresponding printings;
16 whatever. Whatever; it does not matter.

17 MS. COLUMBIA: We can do it either way.

18 DR. NEY: Yes, right, right, yes.

19 And then from the other side, those
20 parts of the code where you think the trade secrets
21 are touched upon.

22 MR. BROMBERG: Okay.

23 DR. NEY: Other than that -- I'm
24 repeating this -- I'd say these functions are needed

1 in any large-vocabulary speech recognizer, and the
2 concepts of the methods are known; so in the end it
3 boils down to looking at the code, I think, or large
4 parts, large -- many questions, I think, can be
5 answered by looking at the code.

6 MS. COLUMBIA: And I have not seen the
7 brief, but it's my understanding that the Scansoft
8 brief on trade secrets actually includes large
9 sections from the Dragon code.

10 MR. BROMBERG: Correct.

11 MS. COLUMBIA: So I presume that Dr. Ney
12 has what he needs from the Dragon code to assess
13 that?

14 Or do you need something more?

15 DR. NEY: Right now, no.

16 MS. COLUMBIA: Okay. I need to get my
17 calendar, but should we maybe put some dates for
18 that submission and see if we can find a date that's
19 appropriate for a follow-up meeting?

20 MR. LAWRENCE: Real quick: One thing I
21 wanted to clarify on this procedure, the
22 identification of the three areas -- Professor Ney
23 is referring to them as three concepts in every
24 single recognizer -- the identification of that in

1 the VST code from VST, that comes first, and then we
2 respond with where we think it is?

3 DR. NEY: No, no; my suggestion was in
4 parallel. It was two questions. A question to
5 Scansoft is, "Where do you think, or what are the
6 parts of the code that are in contradiction with
7 these trade secrets?"

8 And the question to VST is, "Show me
9 those parts of your code where you perform these
10 three functions."

11 MS. COLUMBIA: Is there any reason we
12 can't say the three functions out loud so that --

13 MR. LAWRENCE: No, we --

14 DR. NEY: Basically it's the three --

15 MS. COLUMBIA: The three we talked about
16 were acoustic scoring, hypothesis management and
17 duration modeling.

18 DR. NEY: Right. Duration modeling, I
19 would like to clarify, it's -- as I said before,
20 even if you do not have an explicit duration model,
21 there's still some sort of duration modeling. So
22 how can we call this? This is basically --

23 MR. BROMBERG: You had said during our
24 session, Professor Ney, emission probability scores.

1 Does that capture it?

2 DR. NEY: Yes. Let's say combination of
3 emission probability scores with transition scores.
4 Basically it's the acoustic search; some people
5 would call it acoustic search or acoustic
6 recombination, acoustic merging of hypotheses.

7 MR. FRANK: I'm sorry, sir; would you
8 say those words again?

9 DR. NEY: Merging of acoustic
10 hypotheses. Because the term, duration -- what do
11 you call it?

12 MS. COLUMBIA: Duration modeling.

13 DR. NEY: Duration modeling is maybe a
14 little bit too narrow.

15 MS. COLUMBIA: Can I step out for a
16 moment to get my calendar?

17 (Ms. Columbia left the room and
18 returned; discussion off the record.)

19 MS. COLUMBIA: So we have agreed that by
20 April 7, the parties will make the submissions that
21 Dr. Ney has requested, which are, on Voice Signal's
22 part, to provide him with either pointers to where
23 in the code he has to look or printouts of the code
24 that correspond to the three functionalities that

1 are covered by the alleged trade secrets -- and
2 we've agreed that those are acoustic scoring,
3 hypothesis management and durational modeling -- and
4 that durational modeling is broad enough to cover
5 things like emission probability scores and
6 transition scores.

7 DR. NEY: Maybe one more modification?

8 MS. COLUMBIA: Yes.

9 DR. NEY: Acoustic scoring should
10 include fast calculation of not-likelihoods.

11 MS. COLUMBIA: Fast calculation of --

12 DR. NEY: Of not-likelihoods, efficient
13 or fast calculation of not-likelihoods, acoustic
14 not-likelihoods.

15 MS. COLUMBIA: And I think we've agreed
16 that those will be materials, not arguments; that
17 what Dr. Ney is interested in is in seeing the code.

18 And on the Scansoft side, Scansoft will,
19 by April 7, provide Dr. Ney with guidance on where
20 it thinks he should look in the Voice Signal code
21 for evidence that Voice Signal has used the Scansoft
22 trade secrets.

23 And we then just agreed to schedule a
24 meeting for May 8, and that the meeting may take

1 place here in Boston or it may take place in
2 Germany, and that that decision will be made
3 sometime later.

4 DR. NEY: I'm sorry; for coming back to
5 the dates, you said the 1st of May would not be
6 possible. Maybe you could write down one or two
7 alternatives, that I have some flexibility. So what
8 about the 28th of April or 5th of May?

9 MS. COLUMBIA: Those are both fine with
10 us.

11 MR. BROMBERG: Those are both problems
12 for me.

13 MS. COLUMBIA: Both problems?

14 DR. NEY: Okay; both problems.

15 MR. BROMBERG: I have a trial starting
16 on April 10, and the question is, will it be done
17 that week or not?

18 MS. COLUMBIA: It probably won't even
19 start, Lee.

20 MR. BROMBERG: No, it's going to start.

21 DR. NEY: So there's no real alternative
22 until the 8th of May.

23 MS. COLUMBIA: There's probably an
24 alternative if we go further out.

1 DR. NEY: So what about later dates?
2 12th of May?

3 MS. COLUMBIA: Actually, the 12th is not
4 okay for me.

5 DR. NEY: No? Okay. Well, then you're
6 already on the 15th. Again, that's a Monday, the
7 15th of May.

8 MR. BROMBERG: Yes, that's possible.

9 DR. NEY: But that means Fridays are
10 basically not possible. I was looking for some
11 other --

12 MS. COLUMBIA: Did you ask about May 5?

13 DR. NEY: I think you said it's not
14 possible.

15 MR. BROMBERG: May 5 is not good for me,
16 but May 12 is okay. That's the next --

17 MS. COLUMBIA: But I can't do it.

18 DR. NEY: And before May, everything is
19 difficult, yes?

20 MR. BROMBERG: Yes.

21 MS. COLUMBIA: Although I suppose if
22 your trial either doesn't start or finishes early,
23 we can discuss whether there's a way to move the
24 meeting up.

1 MR. BROMBERG: Right.

2 DR. NEY: So to summarize, the only
3 dates we have now is 8th of May, 12th of May and
4 15th of May; is that right?

5 MS. COLUMBIA: The 12th is not
6 available.

7 MR. BELT: May 8 to May 15.

8 MS. COLUMBIA: Looking only at Mondays
9 and Fridays.

10 DR. NEY: So it's only 8th and 15th of
11 May?

12 MS. COLUMBIA: Yes.

13 DR. NEY: Before that is also difficult,
14 and after that is probably too late.

15 MR. FRANK: Yes.

16 DR. NEY: So -- yes; okay.

17 MS. FLEMING: Sarah, did you finish with
18 what's on the record, the dates?

19 MS. COLUMBIA: On the dates.

20 MS. FLEMING: Just one more piece of
21 agreement is that the parties have agreed that each
22 side will allow the other to load tools on for
23 searching on the software that's been delivered by
24 the other side in order to facilitate meeting the

1 deadlines that have been established.

2 MS. COLUMBIA: Yes.

3 DR. NEY: One more question on my side.
4 I'm supposed to look at the specific parts of the
5 code that we were just discussing. What about other
6 parts of the code?

7 MR. FRANK: Let me repeat something that
8 I said out of your presence, and see if there's
9 agreement.

10 I said that it is not our expectation
11 that Dr. Ney would have to search around in the code
12 in general for parts -- assuming that we have
13 actually provided the parts of the code that perform
14 these functions, and your side has actually
15 identified those parts of the code where you believe
16 that your trade secrets are being used, that that is
17 all that Dr. Ney would have to do; that he would not
18 otherwise have to conduct an independent
19 investigation through the code on his own.

20 I think that's the substance of what I
21 said I believed when we were separated, and I want
22 to see if you agree to that.

23 MR. BROMBERG: Reluctantly, we don't
24 agree, because as we were saying to Dr. Ney also